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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,564	11/20/2003	Steve Anspach	ANSPACH	7050

7590 11/28/2008  
MANELLI DENISON & SELTER PLLC  
2000 M Street, N.W., 7 th Floor  
Washington, DC 20036-3307

EXAMINER
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LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2432

MAIL DATE	DELIVERY MODE
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11/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/716,564	<b>Applicant(s)</b> ANSPACH, STEVE	
	<b>Examiner</b> Samson B. Lemma	<b>Art Unit</b> 2432	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/08 &amp; 07/08</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

### ***DETAILED ACTION***

1. This is in reply to amendment after non-final rejection filed on 08/13/2008. Claims 2 and 9 were canceled previously. Thus claims 1, 3-8 and 10-14 are pending of which claims 1 and 8 are independent. Both independent claims namely **claim 1 and 8** are amended.

### ***Priority***

2. This application claims priority of a provisional application, application No. 60/502,660 filed on September 15, 2003. Therefore, the effective filing date for the subject matter defined in the pending claims of this application is **09/15/2003**.

### ***Response to Arguments***

3. Applicant's remark/arguments filed on 08/13/2008 have been fully Considered but they are not persuasive.  
  
Applicant argued that the following limitation which is added to both respective independent claims 1 and 8 is not disclosed by the reference on the record.  
  
In support of his argument applicant's representative wrote the following.  
"Conventionally, IP packets only contain routing information within their headers. This is the case because IP packets are conventionally designed to facilitate a packet moving from a transmission point to a destination point. Applicant's claims facilitate two stages of routing. An IP packet can facilitate a packet moving from a transmission point to a destination

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point, as is conventionally done. Moreover, Applicants claimed IP packet contains routing information in a payload of an encapsulated Type 1 encrypted data stream IP packet to facilitate further routing of the associated data. As explained below, the cited art fails to disclose, teach, or suggest such features”

**Examiner disagrees with the above argument**, in fact as it is shown on attached reference routing information is inherently included in IP encapsulated security Payload [*See RFC 2406 IP Encapsulating Security Payload November 1998*]

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. **Claims 1, 3-8, 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nortel Network, an article written with title “Securing Voice across the Internet”** (Hereinafter referred as **Nortel**) (2002, see reference U) in view of article written with the title, “The

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complete PC solution for the KIV-7”) (Hereinafter referred as “complete pc solution”) (Copyright 2002) (Submitted with IDS)

6. **As per independent claims 1 and 8 Notel discloses a method of encrypting and transmitting voice and data together in a secure communication system** [Figure 5, see “Streamed VoIP data encrypted at sender using encryption data”], said method comprising:

- **Receiving a voice-over-IP ( VoIP) data stream from a telephony device ;** *[See figure 1, “i2004” or see figure 1, “i2050” and figure 2, “VOIP phone”]*
- **Receiving data communications from a computing device;** *[see figure 1, “Teleworker PC”/or “i2050PC” and figure 2, see the PC]*
- **Combining said VolP data stream and said data communications to form a single combined data stream** *(See figure 1 and 2 and page 2, column 2)*
- **Encrypting said single combined data stream through encryption unit into an encrypted data stream;** *[Page 2, column 3, 1<sup>st</sup> paragraph, see also figure 2, “Encrypted Voice/data”]* **and**
- **Encapsulating said encrypted data stream in IP packets for transmission** *[Page 2, column 3, 1<sup>st</sup> paragraph] and*

- **wherein a payload of encapsulated data stream IP packet contains routing information for routing said encapsulated data stream [See RFC 2406 IP Encapsulating Security Payload November 1998]**

**Nortel** does not explicitly disclose said encrypting data using a Type 1 encryption unit or the encapsulated data is encrypted by type 1 encryption unit.

However, in the same field of endeavor “complete pc solution”, discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: a KIV type encryption unit. [See page 1]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using Type 1/KIV-7 encryption unit as per teachings of “complete pc solution” into the method as taught **by Nortel in order to make easy and secure dial and answer call with a KIV-7 for PC to PC based** videoconferencing. **[See “complete pc solution” page 2 last Paragraph]**

7. **As per claims 3 and 10 the combination of Nortel and complete pc solution discloses a method as applied above. Furthermore complete pc solution discloses the method wherein: said combining is performed by a voice-enabled**

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**router.** [See on page 2, on the figure, "Router" and on page 1, third paragraph, "it can connect to any remote device including routers..." or see also on Turt, figure 1, ref. num 5 and 7]

8. **As per dependent claims 4-7 and 11-14 the combination of Nortel and complete pc solution discloses a method as applied above. Furthermore complete pc solution discloses the method wherein: said Type 1 encryption unit is a KIV-type encryption unit.** [See page 1 and the figures in page 2]

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status

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information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/23/2008

/Samson B Lemma/

Examiner, Art Unit 2432

/Benjamin E Lanier/

Primary Examiner, Art Unit 2432